

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH CANTRELL,

Plaintiff,

v.

PYRAMID LAKE PAUITE TRIBE, *et al.*,

Defendants.

Case No. 3:23-cv-544-ART-CSD

ORDER

(ECF Nos. 1-1, 9, 10, 12)

Plaintiff Joseph Cantrell filed a *pro se* civil rights suit against the Pyramid Lake Paiute Tribe, two John Doe police officers, Charlene Dressler, Boyd Jackson, Anne Laughlin, and two Doe police officers. Magistrate Judge Denney issued a Report and Recommendation (R&R) granting Plaintiff's motion to proceed *in forma pauperis*, granting Plaintiff's motion to reopen his case, and filing Plaintiff's complaint. Judge Denney then screened Plaintiff's complaint and recommended that it be dismissed for lack of jurisdiction. (ECF No. 12.) Plaintiff did not object.

The Court adopts the R&R in full. The Court is not required to "review . . . any issue that is not the subject of an objection" to an R&R. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

First, Plaintiff may not sue the Pyramid Lake Paiute Tribe because it enjoys sovereign immunity. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 57–59 (1978).

Nor may Plaintiff's suit for damages under the Indian Civil Rights Act against individual officers proceed in a federal forum. The Indian Civil Rights Act, 12 U.S.C. § 1303, provides a cause of action for habeas relief, not for other civil rights violations like those alleged here. *Id.* at 59–72.

Accordingly, the Court adopts Judge Denney's R&R (ECF No. 12).

The Court grants Plaintiff's newly filed IFP application and instructs the

1 Clerk to file Plaintiff's complaint.

2 Finally, the Court dismisses Plaintiff's complaint against the Pyramid Lake
3 Paiute Tribe with prejudice and without leave to amend, and it dismisses
4 Plaintiff's suit against individual officers with leave to amend and without
5 prejudice.

6
7 DATED THIS 21st day of January 2025.

8 

9 _____
10 ANNE R. TRAUM
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28